

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MFB FERTILITY INC.,

Plaintiff,

v.

ACTION CARE MOBILE VETERINARY
CLINIC, LLC,

Defendant.

Case No. 1:23-cv-03854

Judge Harry D. Leinenweber
Magistrate-Judge Gabriel A. Fuentes

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS AND COUNTERCLAIMS**

Plaintiff, MFB Fertility Inc., by and through its counsel, Gary I. Blackman and Erin M. Mayer with Levenfeld Pearlstein, LLC, moves this Court (without opposition) for an extension of time to and including November 24, 2023 to respond to Defendant's Motion to Dismiss and Counterclaim.

1. Defendant waived service of summons and filed its appearance on July 24, 2023 and, on September 15, 2023, filed a Motion to Dismiss Plaintiff's copyright infringement claim for failure to state a cause of action pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 10) and filed a Memorandum in Support Thereof (Dkt. 11).

2. On October 23, 2023, this Court ordered that Plaintiff respond to the Motion to Dismiss by November 10, 2023 and that Defendant file its reply by November 24, 2023 (Dkt. 17).

3. Plaintiff requires additional time to file its responsive pleadings and therefore seeks an extension of time to and including November 24, 2023 to respond to the Motion to Dismiss and to respond to the Counterclaim. Plaintiff will also be seeking leave to file an amended complaint (which may negate the need for the motion to dismiss), and Plaintiff is in the process of adding co-

counsel, who will be filing an appearance within the next week and is in the process of familiarizing himself with the case.

4. Defendant has no objection so long as its reply in support of its Motion to Dismiss be extended to December 8, 2023, and so long as it has reserved its right to potentially oppose Plaintiff's upcoming motion for leave to amend.

WHEREFORE, Plaintiff respectfully requests that the Court: extend the time by which Plaintiff is to respond to the pending Motion to Dismiss and to the Counterclaims to and including November 24, 2023; extend the time by which Defendant is to Reply in support of its Motion to Dismiss to and including December 8, 2023; and grant such additional relief as this Court deems appropriate.

Respectfully submitted,

/s/ Gary I. Blackman

Gary I. Blackman (ARDC # 6187914)

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Attorneys for Plaintiff,

MFB Fertility, Inc.

CERTIFICATE OF SERVICE

I, Gary I. Blackman, an attorney, hereby certify that on November 9, 2023, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF filing system, which will send notification of such filing to all attorneys of record.

/s/ Gary I. Blackman